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Mr. William F. Caton

Acting Secretary

Federal Communications Commission

1919 M Street, N.W.

Washington, D.C. 20554

Re: Order on Reconsideration
In the Matter of Amendment of Part 90 of the Commission's Rules
to Adopt Regulations For Automatic Vehicle Monitoring Systems
PR Docket No. 93-61

Dear Mr. Caton:

This letter is written regarding the above-referenced Order on Reconsideration ("Order"). In reviewing this Order and consequent FCC rule changes appearing in Appendix C of the Order, it appears that there may have been an inadvertent error in Footnote 19 of the revised Section 90.213(a).

Specifically, the Commission states in Paragraph 31 of the Order:

" . . . we will impose the present frequency tolerance level of 2.5 ppm on high power fixed reader transmitters operating near the band edges, but not on mobile transponders or hand-held portable readers. . . . Thus, Section 90.213 of our Rules will be modified accordingly. We are not changing the tolerance requirement for other non-multilateration LMS systems or for multilateration LMS systems."

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This language, however, appears to be contrary to the language presented in Footnote 19 of the revised Section 90.213(a), as it appears in Appendix C of the Order, which states: "Fixed non-multilateration transmitters operating *within* 40 kHz from the band edge, intermittently operated hand-held readers, and mobile transponders are not subject to frequency tolerance restrictions." [Emphasis added].

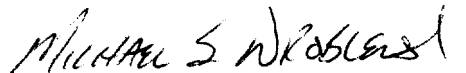
So that the new Rule accurately reflects the Commission's decision, we respectfully suggest that Footnote 19 be revised to read:

"Fixed non-multilateration transmitters, whose authorized bandwidth is more than 40 kHz from the band edge, intermittently operated hand-held readers, and mobile transponders are not subject to frequency tolerance restrictions."

This change can be made in an erratum.

If there are any questions about this request, please feel free to call me.

Sincerely,



Michael S. Wroblewski

Attachment

cc: David L. Furth
Jane H. Halprin
B.C. (Jay) Jackson

29. Hughes further alleges that the present frequency tolerance level would necessitate a significant and expensive design modification for their Vehicle to Roadside Communications (VRC) system readers. In addition, they contend that equipment changes required to conform their VRC mobile transponders to the present frequency tolerance level would be economically prohibitive.⁶⁵ If the Commission decides to maintain the present frequency tolerance level for non-multilateration systems, Hughes requests that the Commission apply the frequency tolerance level only to the reader transmitters and not to the mobile transponders, which are designed to transmit with extremely low power and only while passing in close proximity to a reader.⁶⁶

30. According to TI/MFS there are no current LMS non-multilateration systems in operation that conform to the 2.5 ppm frequency tolerance. They note that most of the non-multilateration technology operates at frequency tolerance levels no greater than 50 ppm. TI/MFS believes that the imposition of the present frequency tolerance level will have the negative effect of decreasing both available technology and potential players in the market.⁶⁷

31. Discussion. In response to the concerns raised by the non-multilateration system operators, we will impose the present frequency tolerance level of 2.5 ppm on high power fixed reader transmitters operating near the band edges, but not on mobile transponders or hand-held portable readers. We are persuaded that the significant cost of tightening the frequency tolerance for mobile transponders and hand-held readers could severely raise the cost of the devices beyond the realm of economic feasibility. Thus, Section 90.213 of our Rules will be modified accordingly.⁶⁸ We are not changing the tolerance requirement for other non-multilateration LMS systems or for multilateration LMS systems.

3. Type Acceptance

32. Background. In the *LMS Report and Order*, we determined that the mobile nature of most LMS transmitters and the new advanced technology that will be employed by this equipment justified strict regulatory oversight of having equipment type accepted rather than continuing to use the notification procedure. Therefore, we decided that all LMS equipment imported or marketed after April 1, 1996, including the "transmitting tags" used in certain non-multilateration systems, must be type accepted for use under Part 90 of our Rules. If, however, these units met the requirements under Part 15 of our Rules, they may have been

⁶⁵ *Id.* at 8.

⁶⁶ *Id.* at 13.

⁶⁷ TI/MFS Petition at 5-6.

⁶⁸ See Appendix C.

APPENDIX C
RULE CHANGES

Part 90 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 90 - PRIVATE LAND MOBILE RADIO SERVICES

1. The authority citation for Part 90 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, and 332, unless otherwise noted.

2. Section 90.203 is amending by revising paragraph (b)(7) as follows:

§ 90.203 Type acceptance required.

* * * * *

(b) * * *

(7) Transmitters imported and marketed prior to September 1, 1996 for use by LMS systems.

* * * * *

3. Section 90.209 is amended by revising paragraphs (e) and (m) as follows:

§ 90.209 Bandwidth limitations.

* * * * *

(e) When radiation in excess of that specified in paragraphs (c), (d), and (m) of this section results in harmful interference, the Commission may require, among other available remedies, appropriate technical changes in equipment to alleviate the interference.

* * * * *

(m) (1) *Wideband multilateration transmitters.* For transmitters authorized under Subpart M to provide forward or reverse links in a multilateration system in the subbands 904-909.75 MHz, 921.75-927.25 MHz and 919.75-921.75 MHz, and which transmit an emission occupying more than 50 kHz bandwidth: in any 100 kHz band, the center frequency of which is removed from the center of authorized sub-band(s) by more than 50 percent of